

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

SUSAN SCHAEFER-LAROSE, on behalf	)	
of herself and others similarly situated,	)	
WILLIAM WANROOY,	)	
	)	
Plaintiffs,	)	Cause No. 1:07-cv-01133-SEB-TAB
	)	
v.	)	
	)	
ELI LILLY and COMPANY,	)	
	)	
Defendant.	)	

**DECLARATION OF DAVID S. WAGNER**

I, David S. Wagner, declare under penalty of perjury as follows:

1. I am an attorney at Baker & Daniels LLP and one of the attorneys representing Defendant Eli Lilly and Company ("Lilly") in the above-captioned case. The following statements are made of my own personal knowledge and, if called upon as a witness in this action, I could and would testify competently thereto.

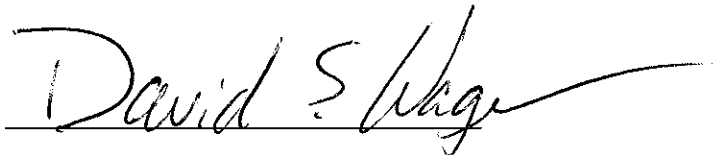
2. Attached hereto are true and correct copies of the following:

- Exhibit 1: Delgado v. Ortho-McNeil, Inc., Case No. SACV 07-0263-CJC, (In Court) Order Denying Plaintiffs' Motion to Compel Further Testimony
- Exhibit 2: Excerpts from the Deposition of Kelly Freeman
- Exhibit 3: E-mail from Ellen Boshkoff to Elizabeth Saylor dated August 9, 2007
- Exhibit 4: Letter to Hon. Alvin K. Hellerstein dated February 27, 2008
- Exhibit 5: Defendant Eli Lilly and Company's Response in Opposition to Plaintiff's Motion to Remand, Weathers v. Eli Lilly and Company, Case No. 2:06-CV-0666-WHA

- Exhibit 6: Order Granting Defendant's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment, D'Este v. Bayer Corporation, Case No. CV 07-3206-JFW
- Exhibit 7: Order Granting Summary Judgment, Menes v. Roche Laboratories, Inc., Case No. 2:07-cv-01444-ER
- Exhibit 8: Order Granting Defendant's Motion for Summary Judgment, Brody v. Astrazenca Pharmaceuticals, LP, Case No. CV 06-6862 ABC
- Exhibit 9: Opinion and Order, Amendola v. Bristol-Myers Squibb Co., Case No. 07 Civ. 6088 (DLC)
- Exhibit 10: Plaintiff Putnam's Opposition to Defendant's Application to the Clerk to Tax Costs and Bill of Costs in the Amount of \$6,008.20, Putnam v. Eli Lilly and Co., Case No. CV-07-3656 (JFW)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 30th day of June, 2008, at Indianapolis, Indiana.

A handwritten signature in black ink, appearing to read "David S. Hagg", is written over a horizontal line.